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BOSTON MA 02111

**MAILED**  
**APR 25 2011**  
**OFFICE OF PETITIONS**

In re	:
Application No. 10/770,639	: DECISION REGARDING
Filed: February 2, 2004	: PATENT TERM ADJUSTMENT
Patent No. 7,867,475	: and NOTICE OF INTENT
Issued: January 11, 2011	: TO ISSUE
Attorney Docket No. 27331-	: CERTIFICATE OF CORRECTION
501CIP2A	:

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED ON FACE OF PATENT UNDER 37 CFR § 1.705(d)", filed March 11, 2011. Patentees request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one thousand three hundred seventy-two (1372) days to one thousand three hundred seventy-four (1374) days.

The application for patent term adjustment is **GRANTED**.

On January 11, 2011, the application issued into Patent No. 7,867,475 with a patent term adjustment of one thousand three hundred seventy-two (1372) days. Patentees timely submitted an application for patent term adjustment on March 11, 2011, asserting that the correct number of days of PTA is one thousand three hundred seventy-four (1374) days. According to Patentees, the Office erroneously accorded eight (8) days of applicant delay under 37 CFR 1.704(c)(10) for the submission of an IDS on November 8, 2010, after the Office had mailed a Notice of Allowance on August 25 2010. Patentees state that the IDS contained a 37 CFR 1.704(d) statement, and therefore no applicant delay should have been accorded.

A review of the IDS filed November 8, 2010 confirms that it contained a proper 37 CFR 1.704(d) statement. Accordingly, zero (0) days of Applicant delay should have been assessed for this filing.

In addition, Patentees state that they should have been assessed an additional six (6) days of Applicant delay pursuant to 37 CFR 1.704(b). The Office mailed a Notice to File Missing Parts on May 12, 2004. Applicants filed a response on August 18, 2004, made timely by obtaining a two month extension of time. As this response was not filed within three months, pursuant to 37 CFR 1.704(b), six (6) days of delay should have been assessed.

In view thereof, the correct determination of PTA at the time of issuance is one thousand, three hundred seventy-four (1374) days (1533 days of PTO delay, reduced by 159 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 C.F.R. §1.18(e) is acknowledged.

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **one thousand three hundred seventy-four (1374)** days, subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight  
Director  
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE  
**DRAFT CERTIFICATE OF CORRECTION**

PATENT : 7,867,475 B2

DATED : January 11, 2011

INVENTOR(S): Sanchez-Madrid et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1372 days.

Delete the phrase "by 1372 days" and insert – by 1374 days--